LE COPY

Office-Supreme Court, U.S.
FILED
MAR 23 1965
JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1964

No. 913

ANTHONY ROMA individually, etc. & ano., etc., and for all others in the employ of the Transit Authority, City of New York, similarly situated,

Petitioner,

—vs.—

MUNICIPAL CIVIL SERVICE COMMISSION, CITY OF NEW YORK, TRANSIT AUTHORITY, CITY OF NEW YORK, STATE CIVIL SERVICE COMMISSION and ABRAHAM D. BEAME, Comptroller of the City of New York,

Respondents.

MEMORANDUM IN OPPOSITION OF RESPONDENT STATE CIVIL SERVICE COMMISSION

Petitioners assert that their jobs bring them within the coverage of a New York statute which provides a method of fixing wages in certain employments. No claim has heretofore been made under federal law, nor would the facts have permitted such a claim. Except in one respect, this case is not different from *Matter of Corrigan v. Joseph*, 304 N. Y. 172 (1952), in which this Court denied certiorari *sub nom. Remelius, et al.* v. *Joseph*, 345 U. S. 924. The difference lies in the circumstance that Remelius was employed by an agency of the City of New York, the Board of Transportation, whereas the instant petitioners are employed by the Transit Authority, a later-

2-2544
14862

created public benefit corporation which has succeeded to the functions performed by the former Board of Transportation and to which the Board's employees were transferred. This difference is immaterial, so far as a federal issue is concerned. The petition is patently without merit.

March 12, 1965.

Respectfully submitted,

LOUIS. J. LEFKOWITZ
Attorney General
State of New York
Attorney for Respondent
State Civil Service Commission

SAMUEL A. HIRSHOWITZ,
MORTIMER SATTLER,
of Counsel.